

IN THE MATTER OF THE APPLICATION OF MOST REVEREND WM. H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE/ASSOCIATED CATHOLIC CHARITIES, Case No. CR-91-140-XA

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

OF

CASE NO. CR-91-140-XA (Out-of-Cycle)

(Documented Site Plan)

OPINION

This case comes before the Board on a Petition for an out-of-cycle Reclassification, a Petition for Special Exception, and a Petition for Zoning Variances. The objective of these Petitions is the desire and need to use the subject property for the construction of an elderly housing facility. Testimony in this case was uncontradicted as there was no opposition at this hearing, which was heard today in its entirety.

Opening statements provided the Board with the understanding that the documented site plan, requiring setback variances for the facility was supported by County agencies, and only the application of Section 2-58.1 of the Baltimore County Zoning Regulations (BCZR) had to be satisfied in this Petition for a Zoning Reclassification from R.O. and D.R. 5.5 to D.R. 16.

Counsel for the Petitioner presented Mr. Dale McArdle, Director of Housing Services for Associated Catholic Charities, (hereafter referred to as ACC) who described the many activities of ACC and their efforts in providing affordable housing for

Case No. CR-91-140-XA
Most Reverend Wm. H. Keeler, Roman Catholic Charities

elderly in the state of Maryland. Mr. McArdle reviewed a demographic study of the aged population in the metropolitan area and the specific needs for affordable housing in the southwest section of Baltimore County. The subject site he projected as most favorable because of its close proximity to different public and private services in the business district of Catonsville. Preliminary to today's hearing, he and associates of ACC have met with various community groups to present their plans for the apartment facility and have received enthusiastic support. In his position, Mr. McArdle was not cognizant of any reasons the subject property was changed from a D.R. zone to an R.O. classification in 1988.

Mr. Les Pittler, Director of the Department of Community Development for Baltimore County, testified that the project was important and a priority for the County administration. Mr. Pittler cited statistics that highlighted an increasing requirement for providing affordable housing for elderly couples receiving less than the medium income. He further testified that he knew of no logical use for an R.O. zone of the property.

Mr. Wes Guckert, expert in Traffic Engineering, testified that the 21-unit facility would have no impact on traffic rates on Winters Lane. He also stated that from a traffic viewpoint, the D.R. 16 zone for the site would generate less traffic than any potential R.O. use.

Mr. Joseph Fenton testified as the architect of the proposed

Most Reverend Wm. H. Keeler, Roman Catholic Archbishop of Baltimore/Associated Catholic Charities, Case No. CR-91-140-XA

St. Mark's Apartments and of other facilities constructed by ACC. He reviewed the various characteristics of the building plan, and its position on the subject site, covering provisions for satisfying the requirements of Section 502.1 (BCZR) in a Residential Transition Area (RTA). Mr. Fenton referred to the documented site plan and the setback dimensions of the two-story building of 165' x 94' on the subject site of 268' x 150'. He stated that without the setback variances, the project is not feasible.

Noting the variances needed for reduced setbacks requested to the rear (30' vs. 150'), side (25' and 25' vs. 75'), and the front (65' vs. 75'), Mr. Fenton described the large distance between adjacent property lines, and the existing large buffers that extend around three sides of the subject site to which further plantings will be added. Except for the front of the project, Mr. Fenton noted that window to window setback distances to the nearest neighboring structure will exceed 150'.

Mr. George Gavrellis, expert land planner, culminated the testimony for the Petitioner by recounting the context of the Comprehensive Master Plan of 1990, and how the documented site plan for this project is in eminent accord with Baltimore County plans to provide affordable housing for elderly citizens. Mr. Gavrellis strongly felt the R.O. zoning of the site was an error as it left no rational use for the property. In concurrence with People's Counsel, he agreed that the small D.R. 5.5 portion of the subject

Most Reverend Wm. H. Keeler, Roman Catholic Archbishop of Baltimore/Associated Catholic Charities, Case No. CR-91-140-XA

site as delineated on the plat gives indication of a drafting error by the angle of the south boundary of the site.

Uncontradicted testimony leads this Board to determine that the R.O. classification for this property was in error in the 1988 Map Process when changed from its original D.R. classification. In view of expert viewpoints of experienced professionals and the expressed support of community representatives, this Board concludes that the most practical zone is the D.R. 16 requested.

The Board will note that the Office of Planning and Zoning recommends the Petitioner's request be granted.

ORDER

IT IS THEREFORE this 4th day of January, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification in Case No. CR-91-140-XA to reclassify the property from R.O. and D.R. 5.5 to D.R. 16 be and the same is hereby GRANTED in accordance with the documented site plan presented as Petitioner's Exhibit No. 1; and it is further

ORDERED that the Petition for Special Exception for an elderly housing facility and a waiver from the Residential Transitional Area restrictions found in Sections 1B01.1.B.1b be and is hereby GRANTED; and it is further

ORDERED that the requested variances from Section 1B01.2.C.2a to permit a window to tract boundary setback of 25' and 30' in lieu of the required 35' and from Section 504.2 and C.M.D.P.VB.5.b to

Most Reverend Wm. H. Keeler, Roman Catholic Archbishop of Baltimore/Associated Catholic Charities, Case No. CR-91-140-XA

permit a building to tract boundary setback of 25' in lieu of the required 30' be and are hereby GRANTED; and it is further

ORDERED that a rear yard setback of 30' instead of 150' as required by Section 1B01.1.B.1b.3(a), a front yard setback of 65' instead of 75' as required by Section 1B01.1.B.1b.3(a), side yard setbacks of 25' instead of 75' as required by Section 1B01.1.B.1b.3(a), and elimination of 50- and 75-foot buffers as required by Section 1B01.1.E.1b.3(b) be and are hereby GRANTED; and it is further

ORDERED that Petitioner shall submit a landscape plan with the Deputy Director of the Office of Planning & Zoning prior to the issuance of any building permits.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Seder, Acting Chairman

Harry E. Buchheister, Jr.

John G. Disney

PETITION FOR RECLASSIFICATION FROM R.O./D.R. 5.5 TO D.R. 16, SPECIAL EXCEPTION & VARIANCE SW/5 WINTERS LANE, 500' NW OF CENTERLINE OF FREDERICK ROAD

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

MOST REVEREND WILLIAM H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, PETITIONER

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday, November 28, 1990 at 10:00 a.m. in Room 301, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Director of the Board of Appeals.

Witness: Leslie M. Pittler, Director
Department of Community Development
Address: 1 Investment Place
Towson, Maryland 21204

Robert A. Howard, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the County Board of Appeals.

County Board of Appeals of
Baltimore County

PETITION FOR RECLASSIFICATION FROM R.O./D.R. 5.5 TO D.R. 16, SPECIAL EXCEPTION & VARIANCE SW/5 WINTERS LANE, 500' NW OF CENTERLINE OF FREDERICK ROAD

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

MOST REVEREND WILLIAM H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, PETITIONER

RETURN OF PRIVATE PROCESS SERVER

I, the undersigned hereby certify that I executed service of process upon Leslie M. Pittler, Department of Community Development, by delivering and leaving a copy of the subpoena issued by this Court on October 25, 1990. I further certify that I am over eighteen years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

Barbara A. White

94-6 W 92 1006
ST. BALTIMORE

RE: PETITION FOR RECLASSIFICATION FROM R.O./D.R. 5.5 TO D.R. 16, SPECIAL EXCEPTIONS & VARIANCE SW/5 WINTERS LANE, 500' NW OF Centerline of Frederick Road 1st Election District 1st Councilmanic District

MOST REVEREND WILLIAM H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 5th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Associated Catholic Charities, Inc., 320 Cathedral St., Baltimore, MD 21201, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 4, 1991

John B. Howard, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Case No. CR-91-140-XA (Most Reverend Wm. H. Keeler,
Roman Catholic Archbishop of Baltimore/Associated
Catholic Charities)

Dear Mr. Howard:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Linda Lee Myszmal
Linda Lee Myszmal
Legal Secretary

Enclosure

cc: Robert A. Hoffman, Esquire
Most Reverend Wm. H. Keeler
Associated Catholic Charities, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

#148

CR-91-140-XA

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an RO and DR 5.3 zone to an DR-16 zone.

and (2) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

1. 1B01.2.C.2a - to allow a window to tract boundary setback of 25 and 30 feet instead of the required 35 feet.

2. 504.2 and CMDH B.5.b - to allow a building to tract boundary setback of 25 feet instead of the required 30 feet.

MAP SW34
F2
DATE 11-25-90
200 FF
1000
OF G

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

Associated Catholic Charities, Inc.

(Type or Print Name)

Quinn K. Smith

Signature

320 Cathedral Street

Address

Baltimore, Maryland 21201

City and State

Attorney for Petitioner:

John B. Howard, Esquire

(Type or Print Name)

John B. Howard

Signature

210 Allegheny Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No. 823-4111

Legal Owner(s): Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore

(Type or Print Name)

William H. Keeler

Signature

320 Cathedral Street

Address

Baltimore, Maryland 21201

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John B. Howard, Esquire

210 Allegheny Avenue

Towson, Maryland 21204

City and State

Attorney's Telephone No. 823-4111

Address

Phone No.

BANC-Form 1

CHECK NO. 0001687

DATE	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
19692/94439	10/18/90	\$75.00	

Item #148
CR-91-140-XA
REVISED PLANS
RECEIVED OCT 18 1990

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

CR-91-140-XA

District: 1st Date of Posting: November 5, 1990
Posted for: Reclassification, Special Exception and Variance
Petitioner: Associated Catholic Charities, Inc.
Location of property: SW 1/4 Winters Lane, 500' NW of c/l of Frederick Road
Location of Signs: SW 1/4 of Winters Lane, in front of subject property

Remarks: See above Date of return: November 9, 1990
Posted by: L. J. Haines Signature
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-5150
Number

receipt
No 3585

CR-91-140-XA

Date: 10/04/90 H9100148

	QTY	PRICE
PUBLIC HEARING FEES		
(20) -ZONING VARIANCE (OTHER)	1	
(50) -SPECIAL EXCEPTION	1	
(60) -RECLASSIFICATION	1	
(70) -SUM OF ABOVE FEES (MAXIMUM)		\$450.00
TOTAL:		\$450.00
LAST NAME OF OWNER: KEELER, MOST REV.		\$450.00

0400400070MIDHC
04 001050MID-04-90

Cashier Validation:

Please make checks payable to: Baltimore County



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3658

Date: 10/16/90 ITEM #148 CASE: CR-91-140-XA M9100332

	QTY	PRICE
REVISED PUBLIC HEARING FEES		
(110) -REVISIONS (ALL OTHERS)	1	\$75.00
TOTAL:		\$75.00
LAST NAME OF OWNER: KEELER, MOST REV.		\$75.00

0400400021MIDHC
04 000312MID-10-90

Cashier Validation:

Please make checks payable to: Baltimore County

CR-91-140-XA

Description

To Accompany Zoning Petition

0.92 Acre Parcel

Southwest Side of Winters Lane

650 Feet More or Less North of Frederick Road

First Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Frederick Road, 66 feet wide, with the centerline of Winters Lane, 30 feet wide, (1) Northwest 500 feet, more or less, measured along the centerline of Winters Lane, and thence running (2) Southwest 15 feet, more or less, thence leaving said point of beginning and running and binding on the southwest side of Winters Lane (1) North 29 degrees 45 minutes West 150.00 feet, thence leaving said southwest side of Winters Lane and running (2) South 64 degrees 00 minutes West 268.75 feet, thence (3) South 29 degrees 45 minutes East 150.00 feet, and thence (4) North 64 degrees 00 minutes East 268.50 feet to the point of beginning; containing 0.92 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE

July 10, 1990

Our Job No. 90075 (190075)



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3355
J. Robert Haines
Zoning Commissioner

11-20-90
October 5, 1990

Associated Catholic Charities
320 Cathedral Street
Baltimore, Maryland 21201

Dennis F. Rasmussen
County Executive

Re: Petitions for Zoning Re-classification, Special Exception & Variance
CASE NUMBER: CR-91-140-XA
SW 1/4 Winters Lane, 500' NW of the c/l of Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Associated Catholic Charities, Inc.
Hearing Scheduled: WEDNESDAY, NOVEMBER 28, at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$ 325.47 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: John B. Howard, Esq.
#116

NOTICE OF HEARING
ZONING RECLASSIFICATION
Petitions for Zoning Re-classification, Special Exception & Variance
CASE NUMBER: CR-91-140-XA
SW 1/4 Winters Lane, 500' NW of the c/l of Frederick Road
1st Election District
1st Councilmanic
Petitioner(s): Associated Catholic Charities, Inc.
Hearing Date: Wednesday, November 28, at 10:00 a.m.

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Frederick Road, 66 feet wide, with the centerline of Winters Lane, 30 feet wide, (1) Northwest 500 feet, more or less, measured along the centerline of Winters Lane, and thence running (2) Southwest 15 feet, more or less, thence leaving said point of beginning and running and binding on the southwest side of Winters Lane (1) North 29 degrees 45 minutes West 150.00 feet, thence leaving said southwest side of Winters Lane and running (2) South 64 degrees 00 minutes West 268.75 feet, thence (3) South 29 degrees 45 minutes East 150.00 feet, and thence (4) North 64 degrees 00 minutes East 268.50 feet to the point of beginning; containing 0.92 of an acre of land, more or less.

RECLASSIFICATION: From R.O. and D.R. 16 zoning to a D.R. 16 zone.

SPECIAL EXCEPTION: For an elderly housing facility and a waiver from the Residential Transition Area restrictions.

VARIANCE: To permit window to tract boundary setbacks of 25 ft. and 30 ft. in lieu of the required 35 ft.; and to permit a building to tract boundary setback of 25 ft. in lieu of the required 30 ft.

DATE: 11-20-90
TIME: 10:00 A.M.
LOCATION: Rm. 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204.
WILLIAM T. HACKETT, Chairman
County Board of Appeals
CUM/2024 Oct 25

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-26, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24, 1990

THE JEFFERSONIAN,

Jeffersonian
Publisher

103.48

CERTIFICATE OF PUBLICATION

10-26, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24, 1990

CATONSVILLE TIMES

Catonville Times
Publisher

103.48

October 5, 1990

NOTICE OF HEARING

Re: Petitions for Zoning Re-classification, Special Exception & Variance
CASE NUMBER: CR-91-140-XA
SW 1/4 Winters Lane, 500' NW of the c/l of Frederick Road
1st Election District - 1st Councilmanic
Petitioner(s): Associated Catholic Charities, Inc.
Hearing Scheduled: WEDNESDAY, NOVEMBER 28, at 10:00 a.m.

PROPERTY DESCRIPTION

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Frederick Road, 66 feet wide, with the centerline of Winters Lane, 30 feet wide, (1) Northwest 500 feet, more or less, measured along the centerline of Winters Lane, and thence running (2) Southwest 15 feet, more or less, thence leaving said point of beginning and running and binding on the southwest side of Winters Lane (1) North 29 degrees 45 minutes West 150.00 feet, thence leaving said southwest side of Winters Lane and running (2) South 64 degrees 00 minutes West 268.75 feet, thence (3) South 29 degrees 45 minutes East 150.00 feet, and thence (4) North 64 degrees 00 minutes East 268.50 feet to the point of beginning; containing 0.92 of an acre of land, more or less.

RECLASSIFICATION: From R.O. and D.R. 16 zoning to a D.R. 16 zone.

SPECIAL EXCEPTION: For an elderly housing facility and a waiver from the Residential Transition Area restrictions.

VARIANCE: To permit window to tract boundary setbacks of 25 ft. and 30 ft. in lieu of the required 35 ft.; and to permit a building to tract boundary setback of 25 ft. in lieu of the required 30 ft.

TIME: 10:00 a.m.

DATE: WEDNESDAY, NOVEMBER 28, 1990

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: September 17, 1990

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /
Archbishop William H. Keeler /Associated Catholic
Charities
Date for Hearing before the Board

Carl:

Pursuant to Section 2-58.1(i), the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Wednesday, November 28, 1990 at 10:00 a.m. in Room 301, County Office Building.

I've already advised Gwen of this date in order that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of November 28.

Should you have any questions, please call me at extension 3180.

cc: Gwen Stephens

bcc: People's Counsel

ZONING ADVISORY COMMITTEE
MEETING OF OCTOBER 19, 1990

CR-91-140-XA Legal Owner: Most Reverend William H. Keeler,
Roman Catholic Archbishop of
Baltimore

Contact Purchaser: Associated Catholic Charities, Inc.

Location: SW/S Winters Lane, 500' NW of the
centerline of Frederick Road (#19
Winters Lane)

Existing Zoning: R.O./D.R.-5.5

Proposed Zoning: Reclassification to a D.R.-16.
Special Exceptions for an elderly
housing facility and a waiver from
the Residential Transition Area
restrictions pursuant to Sections
1B01.1.c.24 and 432.4 (B.C.Z.R.).
Variance to Section 1B01.2.c.2.a
to permit a window to tract boundary
setback of 25 ft. and 30 ft. in lieu
of the required 35 ft.; Section
504.2 (B.C.Z.R.) and V.B.5.b
(C.M.D.P.) to permit a building to
tract boundary setback of 25 ft. in
lieu of the required 30 ft.

Area: .92 acre

District: 1st Election District
1st Councilmanic District

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

October 4, 1990

TO: Baltimore County Zoning Plans Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Coordinator (887-3391)

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number CR-91-140-XA
Legal Owner: Most Reverend William H. Keeler, Roman Catholic
Archbishop of Baltimore
Contract Purchaser: Associated Catholic Charities, Inc.
SW/S Winters Lane, 500' NW of the centerline of Frederick Road
(#19 Winters Lane)
1st Election District; 1st Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR
CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF
THE BALTIMORE COUNTY PLANNING BOARD ON JULY 19, 1990 AND BY RESOLUTION
OF THE BALTIMORE COUNTY COUNCIL DATED SEPTEMBER 17, 1990 (ATTACHED).
PURSUANT TO SECTION 2-58.1(i) OF THE BALTIMORE COUNTY CODE, THE COUNTY
BOARD OF APPEALS HAS SET AN EARLY HEARING DATE OF WEDNESDAY, NOVEMBER
28, 1990 AT 10:00 A.M. BECAUSE OF THE ACCELERATED PROCEDURE, YOU ARE
REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS PRIOR TO THE
HEARING DATE. IF YOU SHOULD NEED ADDITIONAL MATERIALS TO COMPLETE YOUR
COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY OR MYSELF
IMMEDIATELY.

WCR:scj

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: W. Carl Richards
Zoning Office

DATE: September 26, 1990

FROM: Kathleen C. Weidenhammer
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption-
Reclassification Petition /
Archbishop William H. Keeler /
Associated Catholic Charities

Carl:

Attached is a copy of a letter received by this office on September 21, 1990 from Tom Toporovich advising of the Council's September 17 approval of the exemption of the subject reclassification petition from the regular cyclical procedure.

In accordance with Section 2-58.1(i), we are attempting to locate an available date on the Board's docket between October 17 and December 17, 1990 on which to scheduled this matter for hearing. At this time there is no available date during that period; however, as soon as something can be worked out, we will advise your office so that the necessary steps may be taken for advertising and posting as required. In any event, I will attempt to notify you of a date for this hearing within the next of couple of weeks.

If you have any questions, please call me.

encl.

P.S. Also attached FYI is a copy of Dave Fields' July 26th letter of certification to the County Council regarding this petition.

cc: Gwen Stephens
People's Counsel

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1990, Legislative Day No. 17

Resolution No. 59-90

Mr. C.A. Dutch Ruppersberger, III., Councilman

By the County Council, September 17, 1990

A RESOLUTION to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Most Reverend William H. Keeler, Roman Catholic Archbishop, a corporation, sole owner, and Associated Catholic Charities, Inc., contract purchaser, for .92 acres of land located on Winters Lane approximately one hundred feet north of Frederick Avenue, in the First Councilmanic District, should be exempt from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1988/89 Cumulative Supplement, as amended.

WHEREAS, the Planning Board, by Resolution dated July 19, 1990, has certified that early action on the Petition for Zoning Reclassification filed on behalf of Most Reverend William H. Keeler and Associated Catholic Charities, Inc., requesting a reclassification of the above described property is manifestly required in the public interest; and

WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 2-58.1(i) may approve said certification and exempt the Petition for Zoning Reclassification from the regular cycle procedures of Section 2-58.1.

NOW THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the certification by the Planning Board that early action on the zoning Reclassification Petition filed on behalf of Most Reverend William H. Keeler and Associated Catholic Charities, Inc., be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 2-58.1(i) of the Baltimore County Code.

RECEIVED
COUNTY BOARD OF APPEALS
SEP 22 1990



County Council of Baltimore County
Court House, Towson, Maryland 21204
(301) 887-3195
Fax (301) 887-5791

COUNCIL

Ronald B. Hickernell
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Ruppersberger, III
THIRD DISTRICT

Barbara F. Bachar
FOURTH DISTRICT

Norman W. Lauerstein
FIFTH DISTRICT

William R. Evans
SIXTH DISTRICT

Dale T. Vols
SEVENTH DISTRICT

Thomas Toporovich
SECRETARY

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL

September 18, 1990

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

Attached please find a copy of Resolution 59-90 to approve the Planning Board's certification that the zoning reclassification petition filed on behalf of Most Reverend William H. Keeler, Roman Catholic Archbishop, a corporation, sole owner, and Associated Catholic Charities, Inc., contract purchaser, for .92 acres of land located on Winters Lane approximately one hundred feet north of Frederick Avenue, in the First Councilmanic District, should be exempt from the regular cyclical procedure of Section 2-58.1(c) through (h), inclusive, of the Baltimore County Code, 1978, 1988/89 Cumulative Supplement, as amended.

This Resolution was unanimously approved by the County Council at their meeting on Monday, September 17, 1990 and is being forwarded to you for appropriate action.

Sincerely,

Thomas Toporovich
Secretary

Ttdp
Enclosure

cc: Mr. P. David Fields
Mr. Harold Reid

RECEIVED
COUNTY BOARD OF APPEALS
SEP 21 PM 12-08

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211
Fax (301) 887-5882

P. David Fields
Director

July 25, 1990

Hon. C.A. "Dutch" Ruppersberger, III
Chairman, Baltimore County Council
County Courthouse
Towson, Maryland 21204

Re: Certification on
Reclassification Petition
(Associated Catholic
Charities, Inc.)

Dear Councilman Ruppersberger:

At its regular monthly meeting on July 19, 1990, the Baltimore County Planning Board voted, in accordance with Section 2-58.1(i) of the County Code, to certify to the County Council that early action upon the enclosed petition for zoning reclassification of a property on Winters Lane in Catonsville, filed by Associated Catholic Charities, Inc., is manifestly required in the public interest.

Enclosed herewith are copies of the Petition and accompanying information, including a documented site plan, submitted by the Petitioner. The County planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely yours,

P. David Fields
Secretary to the Planning Board

PDE/TD/mjm
PETITION/EXTMJM
Enclosures

cc: Members, Baltimore County Council
Frank C. Robey, Jr., Administrative Officer
Thomas Toporovich, Secretary-Administrator, County Council
J. Robert Haines, Zoning Commissioner
William T. Hackett, Chairman, Board of Appeals
Phyllis Cole Friedman, Esquire, People's Counsel
Leslie M. Pottler, Director, Dept. of Community Dev.
Robert A. Hoffman, Esquire

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1800 MERCANTILE BANK & TRUST BUILDING
BALTIMORE, MARYLAND 21201-2878
JULY 25, 1990
FAX (301) 244-7742
TELEX 888032

October 1, 1990

Mr. Carl E. Richards, Jr.
Office of Zoning
1st Floor, County Office Building
Towson, Maryland 21204

RE: Associated Catholic Charities - St. Mark's Property

Dear Carl:

Pursuant to our conversation this morning, please substitute the enclosed plans for those you have in your file prior to filing the Petitions, Plans, Descriptions, Environmental Impact Study and Letter of Justification with the Board of Appeals.

Please call me if you have any questions or comments.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure

CR-91-140-XA

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
BALTIMORE, MD
WASHINGTON, D.C.
HICKMAN, VA
ROCKVILLE, MD
BETHESDA, MD
FAX 301 852-0147
UNIVERSITY DIRECT NUMBER 5
494-9162
ROBERT A. HOFFMAN

July 17, 1990

County Board of Appeals of
Baltimore County
County Office Building, 3rd Floor
Towson, Maryland 21204

Re: Petition for Zoning Reclassification, Special Exception
and Variance
Associated Catholic Charities, Inc., Contract Purchaser
Most Reverend William H. Keeler, Roman Catholic
Archbishop of Baltimore, a Corporation, Sole, Legal
Owner

Dear Board Members:

This firm is special counsel for the Associated Catholic
Charities, Inc. and for the Archdiocese of Baltimore in the
referenced petition for reclassification, special exception and
variance.

The subject property, comprising .92± gross acres is located on
Winters Lane, approximately a 100 hundred feet north of Frederick
Avenue. The property is currently zoned R.O. and in minor part
D.R.5.5. The Petitioners in this case seek to rezone the property to
D.R.16 so that it may be developed for 20 units of affordable housing
for the elderly. In order to assure that the density may only be
utilized for affordable elderly housing, the Petitioners have
submitted a documented site plan to accompany this Petition.

In 1980, General Counsel for the Archdiocese of Baltimore
requested and were granted D.R.16 zoning for 1.958 acres of property
along Winters Lane which included the property that is the subject of
this request. Then, in 1988, the Central Catonsville Neighborhood
Association requested that 1.2 acres which also included the subject

County Board of Appeals for
Baltimore County
July 17, 1990
Page 2

property be rezoned from D.R.16 to D.R.5.5. The County Council,
however, rezoned the property from D.R.16 to R.O.

The R.O. zoning classification, although a more intensive zone
since it permits Class A office buildings as of right and Class B
office buildings by special exception, does not provide enough
residential density to develop 20 units of affordable housing for the
elderly. Because the County has made providing affordable housing
for the elderly a priority, it is respectfully submitted that the
Council erred on the 1988 Comprehensive Map by intensifying the
zoning of this property from D.R. 16 to R.O.

For these reasons, and for such other and further reasons as may
be presented at the hearing before this Board, it is respectfully
requested that this property be reclassified from R.O. to D.R.16.

Petitioners have also requested a special exception and
variances to permit the development of this site in accordance with
the documented site plan. Testimony and evidence of compliance with
Section 502.1 of the Baltimore County Zoning Regulations with regard
to the special exception and compliance with Section 307 of the
Baltimore County Zoning Regulations with regard to the variances
shall be presented at the public hearing.

Yours truly,

Robert A. Hoffman

RAH/jhr

St. Mark's Apartments
Catonsville, MarylandEnvironmental Impact Statement to
Accompany Rezoning Request

July 13, 1990
DMW Project Number 90075

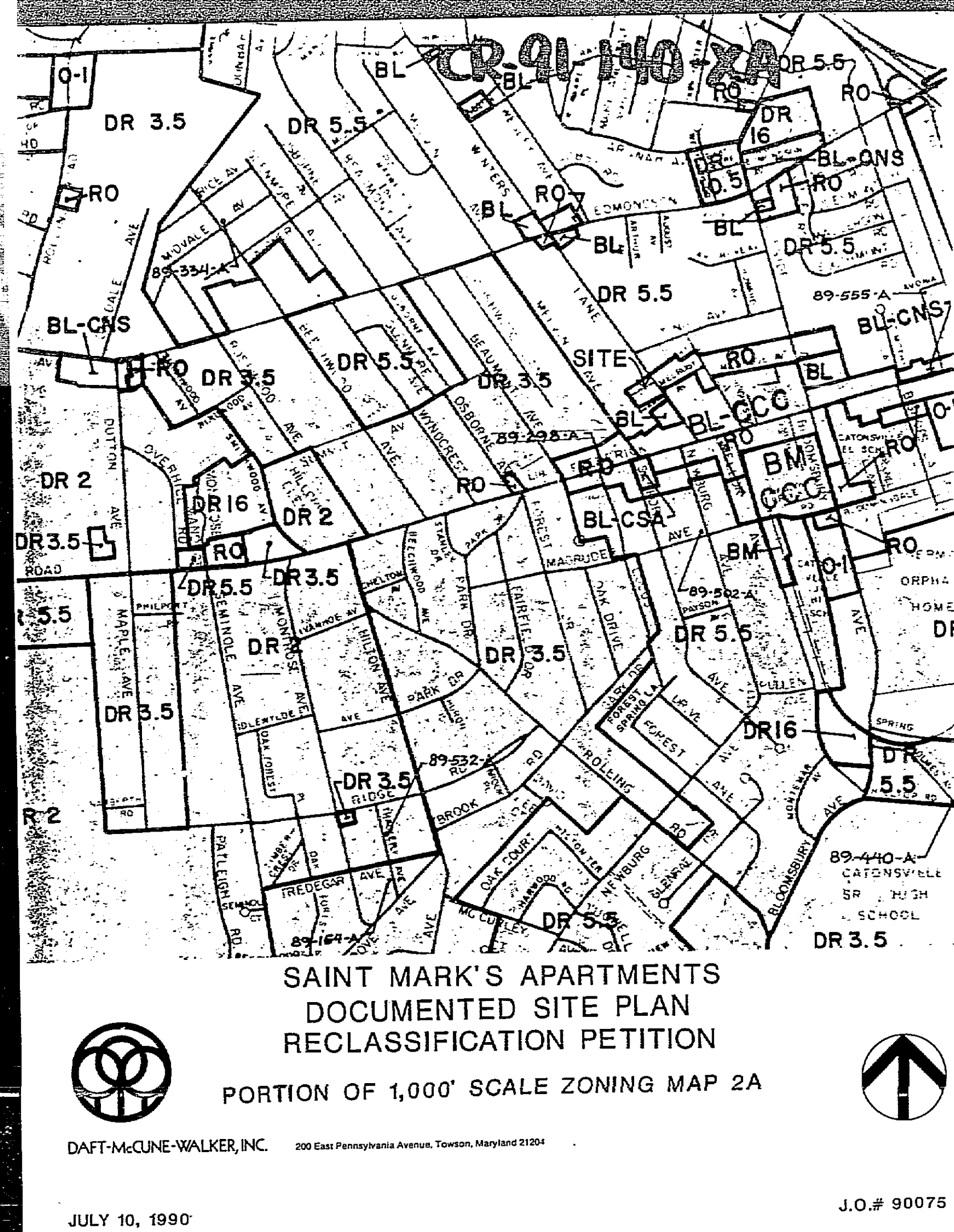
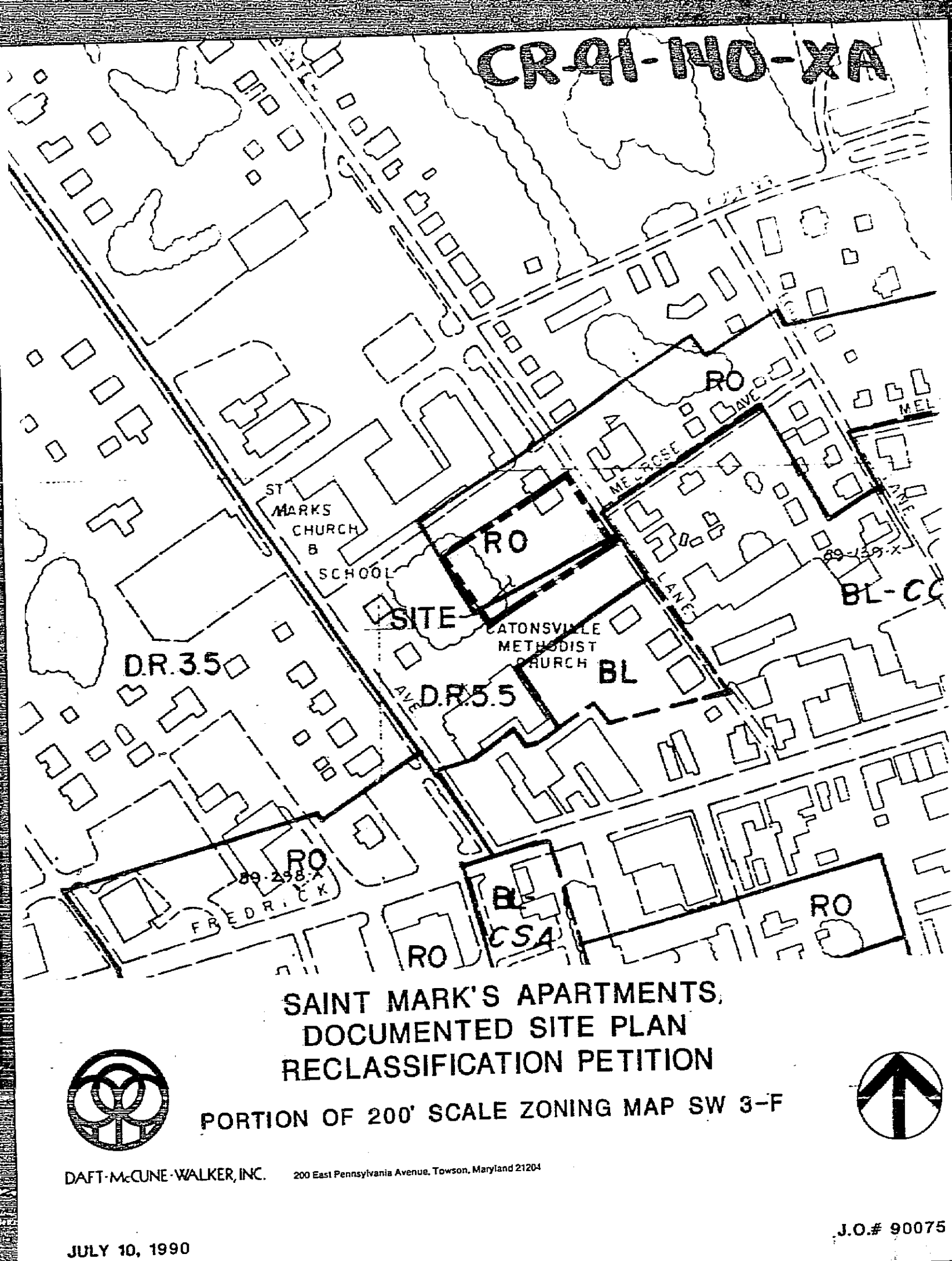
Prepared for:
Associated Catholic Charities

Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

CR-91-140-XA

500' ± to C. OF
FREDERICK ROAD

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258.1-945, 258.1-946, 258.1-947,
258.1-948, 258.1-949, 258.1-950,
258.1-951, 258.1-952, 258.1-953,
258.1-954, 258.1-955, 258.



prepared by CACI Demographic, Inc.
Petition's Ex 5

	1980 CENSUS	1990 ESTIMATE	1995 FORECAST	1990-1995 CHANGE	ANNUAL GROWTH
POPULATION	288076	265876	260634	-5242	-0.4%
HOUSEHOLDS	92181	99496	101608	2112	0.4%
AVG HH SIZE	2.85	2.62	2.52	-0.11	-0.8%
MEDIAN AGE	31.1	35.3	37.1	1.8	1.0%
MEDIAN HH INC \$	17410	20897	20610	513	0.3%
PER CAPITA INC \$	6800	12562	13222	660	1.0%

AGE OF HOUSEHOLD HEAD BY INCOME

	1990 Number of Household Heads	1990 Percent Distribution
HOUSEHOLD INCOME IN THOUSANDS		
Under \$15	12395	33.0
\$15 to \$24.9	7636	20.3
\$25 to \$34.9	5854	15.6
\$35 to \$49.9	5779	15.4
\$50 to \$74.9	4041	10.8
\$75 and over	1826	4.9
TOTAL	37531	100.0
Median \$	23343	

	55 +	65 +	75 +	55-64	65-74
HOUSEHOLD INCOME IN THOUSANDS					
Under \$15	33.0	42.4	51.2	18.8	37.1
\$15 to \$24.9	20.3	23.7	21.9	15.2	24.8
\$25 to \$34.9	15.6	13.5	11.3	18.8	14.9
\$35 to \$49.9	15.4	11.2	9.5	21.9	12.1
\$50 to \$74.9	10.8	6.4	3.8	17.5	7.9
\$75 and over	4.9	2.9	2.3	7.9	3.2
TOTAL	100.0	100.0	100.0	100.0	100.0

THE TRAFFIC GROUP INC.

ST. CHARLES HOUSE APARTMENTS
In & Out Totals
Monday - Nov. 19, 1990
7 to 9am & 4 to 6pm

Petition's Ex 3

Based on 24 Units.

Time	Volumes			Trips/Unit		
	In	Out	Total	In	Out	Total
AM						
7:00-7:15	0	0	0	0.00	0.00	0.00
7:15-7:30	0	0	0	0.00	0.00	0.00
7:30-7:45	2	1	3	0.08	0.04	0.13
7:45-8:00	0	0	0	0.00	0.00	0.00
8:00-8:15	1	2	3	0.04	0.08	0.13
8:15-8:30	0	0	0	0.00	0.00	0.00
8:30-8:45	0	0	0	0.00	0.00	0.00
8:45-9:00	0	0	0	0.00	0.00	0.00
PM						
2 Hour Totals	3	3	6	0.13	0.13	0.25
7:00-8:00	2	1	3	0.08	0.04	0.13
7:15-8:15	3	3	6	0.13	0.13	0.25
7:30-8:30	3	3	6	0.13	0.13	0.25
7:45-8:45	1	2	3	0.04	0.08	0.13
8:00-9:00	1	2	3	0.04	0.08	0.13
Peak Hour	3	3	6	0.13	0.13	0.25
7:30-8:30	3	3	6	0.13	0.13	0.25
PM						
4:00-4:15	1	0	1	0.04	0.00	0.04
4:15-4:30	1	1	2	0.04	0.04	0.08
4:30-4:45	0	1	1	0.00	0.04	0.04
4:45-5:00	1	0	1	0.04	0.00	0.04
5:00-5:15	1	0	1	0.04	0.00	0.04
5:15-5:30	1	1	2	0.04	0.04	0.08
5:30-5:45	1	0	1	0.04	0.00	0.04
5:45-6:00	0	0	0	0.00	0.00	0.00
2 Hour Totals	6	3	9	0.25	0.13	0.38
4:00-5:00	3	2	5	0.13	0.08	0.21
4:15-5:15	3	2	5	0.13	0.08	0.21
4:30-5:30	3	2	5	0.13	0.08	0.21
4:45-5:45	4	1	5	0.17	0.04	0.21
5:00-6:00	3	1	4	0.13	0.04	0.17
Peak Hour	3	2	5	0.13	0.08	0.21
4:30-5:30	3	2	5	0.13	0.08	0.21

Parking Lot Count: 8 7am 9 8 4pm 6
8 9am 9 8 6pm 9

CS&D

Petition's Ex 4

JOSEPH D. FENTON, AIA
Associate

PROJECT ASSIGNMENT
Project Manager

EDUCATION
Architectural Association, London, England, Bachelor of Architecture and AA Diploma, 1977

YEARS EXPERIENCE
With CS&D, 4 years; other firms, 8 years

REGISTRATION
New Jersey

EXPERIENCE AND QUALIFICATIONS
Mr. Fenton has previously served in the capacity of Project Manager/Designer on a wide variety of residential and commercial projects.

Since joining CS&D, he has worked with project teams on the following projects:

- Jenkins Nursing Home
- Jenkins Renovation
- Courtesy Station Apartments
- St. Mark's Apartments
- White Marsh Sheraton Hotel
- Bridgewater Sheraton Hotel
- Starmer Hill
- Belvedere Green
- St. Charles House
- Collington Episcopal Life Care Community
- Baltimore Travel Plaza
- Port Truck Plaza

AFFILIATIONS
American Institute of Architects, Lecture Series Co-Chairman
The Building Congress and Exchange of Metropolitan Baltimore, Craftsmanship Awards Committee
Mt. Washington Improvement Association, Design Review Committee

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211
Fax (301) 887-3882

Petition's Ex 6

TO: William Hackett, Chairman
Board of Appeals

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Case No. CR-91-140-XA
Most Reverend William H. Keeler
Roman Catholic Archbishop of Baltimore
Associated Catholic Charities, Contract Purchaser

DATE: November 26, 1990

The Planning Board certified that the zoning reclassification petition filed on behalf of Associated Catholic Charities, contract purchaser, should be exempted from the regular cyclical procedure. The Board's resolution was unanimously approved by the county council on September 17, 1990.

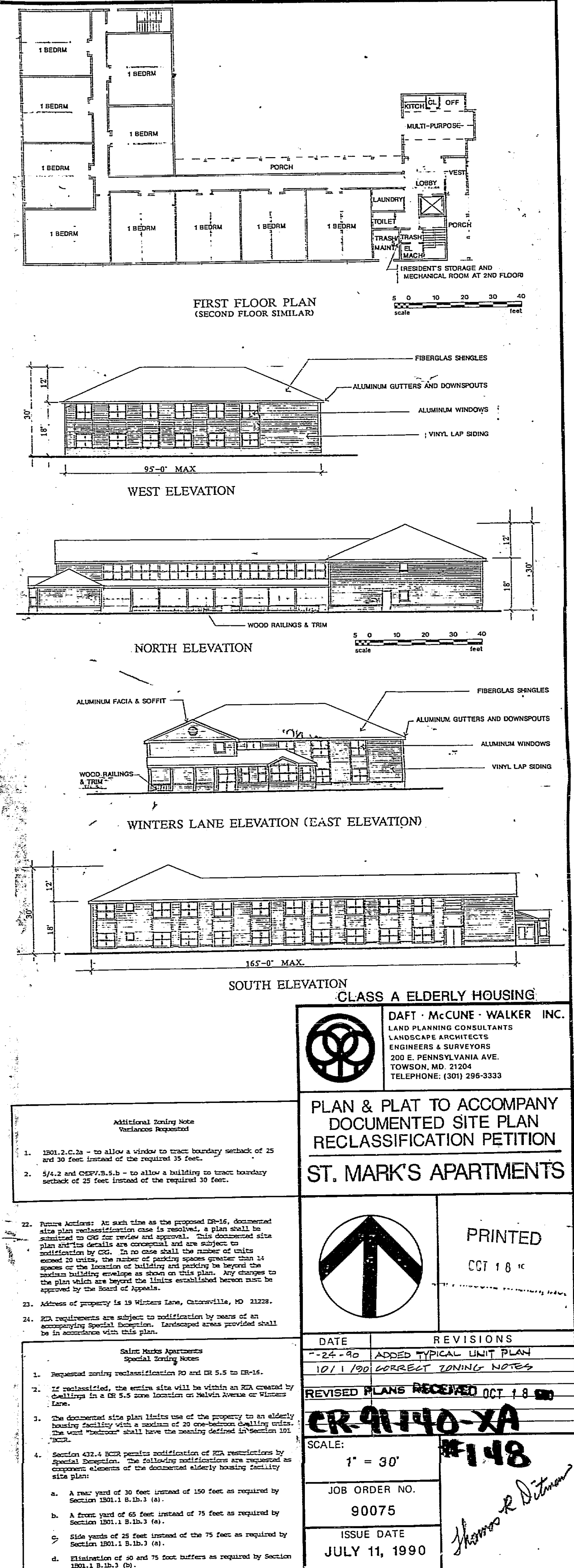
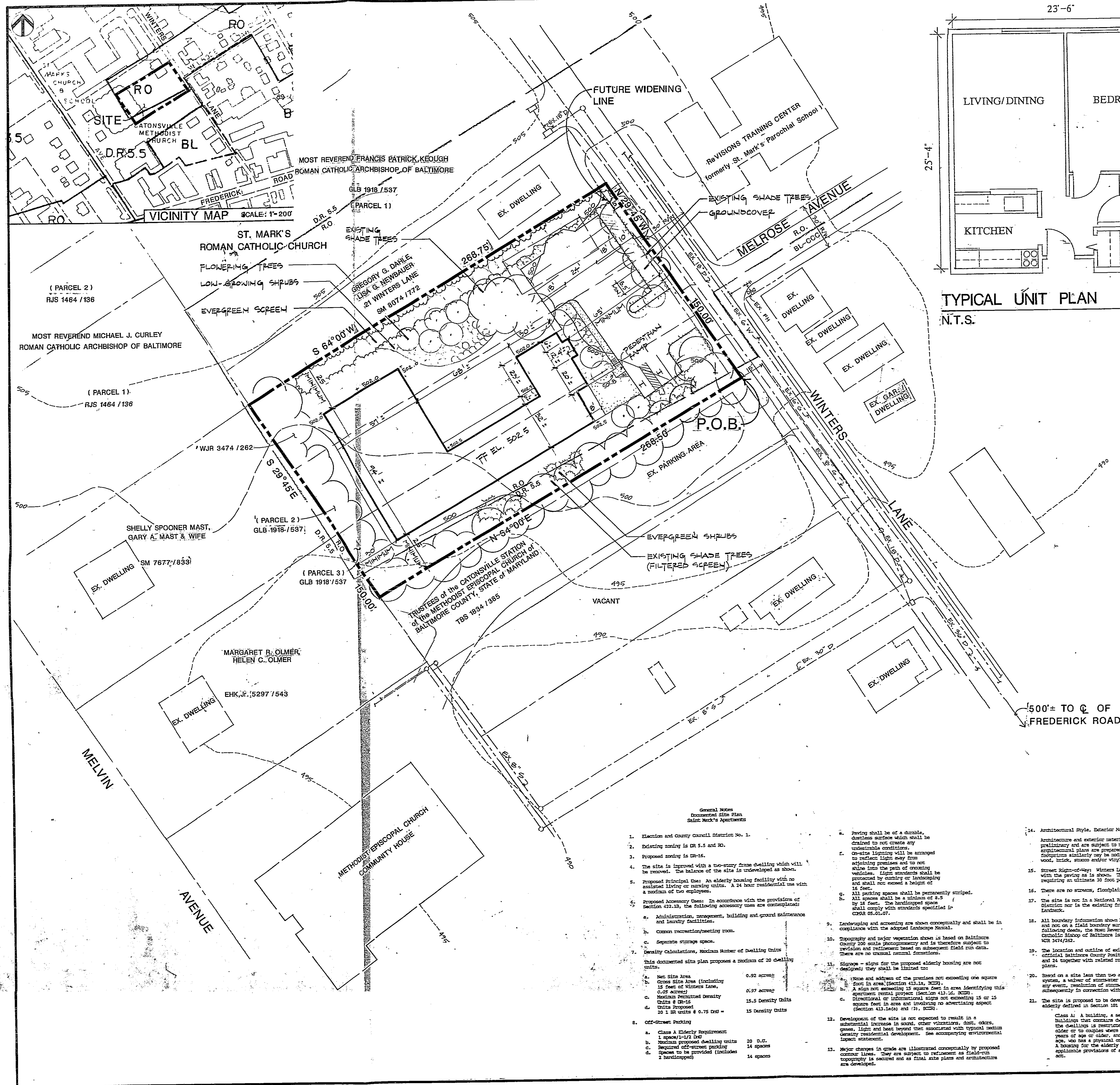
Pursuant to Section 2-58.1(i) of the Baltimore County Code, the following recommendation is submitted in the attached report regarding the above-referenced case.

P. David Fields
P. David Fields
Director

PDF/JL/cmm
CR91140.PDF/CYCLE

Attachment

58-2 113 92 MON 06



JW
3-F

200'
AERIAL



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 3-F
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

P.L. Sch...